

EXHIBIT N



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Transcript of Don Hayes - Corporate Designee

Date: December 12, 2024

Case: Goodrum -v- City of Alexandria

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Conducted on December 12, 2024

32

1 A: Yeah, I, from a chief standpoint, look
2 at all of that and more, but I'm not bound by a
3 list to make those selections.

4 Q: Absolutely. So the questions I'm going
5 to ask here are limited to --

6 A: For the City.

7 Q: Well here what I'm saying is limited to
8 the portion of this process where you as chief are
9 considering who to promote off of the list.

10 A: Correct.

11 Q: In that process on either of Lieut.
12 Goodrum's -- either the times Lieut. Goodrum
13 participated in the promotional process, did you
14 in selecting someone from the eligibility list,
15 did you consider his teamwork and cooperation?

16 A: I considered his teamwork and
17 cooperation, yes, but not based on, again, a
18 criteria based on what I knew about him and based
19 on about the other candidates and who they are as
20 a person and how they interacted with the staff
21 and the jobs that they actually did.

22 Q: Understood. So we talked before about ?

Transcript of Don Hayes - Corporate Designee
Conducted on December 12, 2024

33

1 how you didn't sort of directly work alongside
2 Lieut. Goodrum.

3 A: Right.

4 Q: So where did the information come from
5 to assess his teamwork and cooperation?

6 A: I understand the question. Again,
7 observation, experience, time, how the
8 organization is running, the parts, the roles that
9 he played and all of that.

10 Q: And when you say observation, do you
11 mean exclusively your own observations?

12 A: Yeah, as I'm observing people doing
13 their jobs, as I interact with them on a daily
14 basis when the situations come up and they are on
15 a particular assignment, all those things play a
16 role in that.

17 Q: And in this portion where you are
18 considering again, these more subjective things as
19 you're choosing someone off the list and in a
20 situation where like Lieut. Goodrum you haven't
21 worked side-by-side with him, did you reach out to
22 anyone else to get their perspective on Lieut. ?

Transcript of Don Hayes - Corporate Designee
Conducted on December 12, 2024

34

1 Goodrum?

2 A: No.

3 Q: Now these other dimensions, I'm just
4 going to circle back to hit these. In that same
5 context that I just explained did you consider
6 Lieut. Goodrum's organizational commitment or
7 citizenship?

8 A: Yes, his organization, citizenship,
9 which means again going back -- behavior,
10 demonstrated positive result. I'm just reading
11 this from what it says here. Those are things you
12 consider, again, not specifically this but as a
13 holistic standpoint. I'm looking at him as an
14 individual, as a leader, all these things.

15 Q: Absolutely. But again, for this
16 category let me ask; was this solely based on your
17 perspective or did you reach out to other people?

18 A: No, it's based on my perspective.

19 Q: The next is command related experience
20 and education. Same really two questions. One,
21 did you consider that with respect to Lieut.
22 Goodrum and did you base that on any other -- ?

Transcript of Don Hayes - Corporate Designee
Conducted on December 12, 2024

35

1 anyone else's perspective or just your own?

2 A: Just my own.

3 Q: Just your own. And you did consider it?

4 A: Yeah. I considered it, yes.

5 Q: And then the last dimension here is

6 commitment to community policing. Did you

7 consider Lieut. Goodrum's commitment to community

8 policing?

9 A: Yes, I did.

10 Q: And again, was your perspective on that

11 the only perspective? Or did you reach out to

12 anyone else?

13 A: Just me.

14 Q: Just you, okay. As chief, do you have

15 any access to the actual numerical scores?

16 A: No.

17 Q: As chief, when you get the categories in

18 your choosing from the category, tell me what the

19 difference is to your mind between category 1 and

20 category 2.

21 A: That they did better on the test.

22 MR. PORTER: Objection. We just talked ?

Transcript of Don Hayes - Corporate Designee
Conducted on December 12, 2024

36

1 about how there was categories 1, 2, and 3, and
2 then categories 1 and 2. So when you say
3 categories 1 and 2, which --

4 MR. ERLICH: That's fair. Let me repeat
5 that. Let me clarify. As I said, I ask bad
6 questions sometimes.

7 Q: During the period when there were only
8 two categories how -- what was the difference to
9 your mind as the decision-maker between people in
10 category 1 and category 2?

11 A: Same answer, they did better on the
12 test. That's all it is.

13 Q: How does the placement in category 1 or
14 category 2 affect your decision on who to promote?

15 A: Well, basically when you have the
16 categories 1 and 2, depending on what the wording
17 says in the announcement, you have to go by that.
18 If it says you can only pick from category 1
19 first, then you go by category 1. If it says you
20 can go to category 1 but you have the option of
21 going to category 2 after you've looked at
22 everybody in category 1 and you thought a person ?

Transcript of Don Hayes - Corporate Designee
Conducted on December 12, 2024

54

1 when I was a captain I was in patrol and I don't
2 think he was my lieutenant in patrol. No, I don't
3 think so.

4 Q: Earlier we discussed a series of
5 requirements for a promotion to captain, five
6 years of experience, more than two years as a
7 lieutenant. Do you recall that conversation?

8 A: Mm-hmm.

9 Q: Did Lieut. and then Capt. Ballantine
10 have all of those required -- all of those
11 required qualifications?

12 A: I would say yes.

13 Q: You've mentioned Ballantine leading
14 community policing. And you've said he was very
15 good at it or something to that effect. Can you
16 tell me with a little bit more detail in what way
17 he was good at it, what made him good at it?

18 A: He ran the unit. He was responsible for
19 the community cookouts. He was always in the
20 community. He went on the community walks. He
21 was just community involved. ?

22 Q: At the time when you promoted Lieut.

Transcript of Don Hayes - Corporate Designee
Conducted on December 12, 2024

55

1 Ballantine or I suppose acting Capt. Ballantine to
2 captain, did you see any particular weaknesses?

3 A: Well, it had nothing to do with
4 community policing. I thought he had weaknesses
5 in patrol.

6 Q: Could you explain those?

7 A: He didn't have the patrol commanders
8 experience.

9 Q: Did that play any role in your decision
10 to move him from acting captain to captain?

11 A: No, it didn't.

12 Q: Is there a particular reason that that
13 weakness was not part of your decision-making
14 process?

15 A: Because he wasn't going into patrol, he
16 was going into community policing.

17 Q: And I suppose I should ask, when acting
18 Capt. Ballantine became a captain, what was he the
19 captain of?

20 A: Community policing.

21 Q: Community policing. I'm going to move ?
22 on to Jerry Newcomb. And to again start from the

Transcript of Don Hayes - Corporate Designee
Conducted on December 12, 2024

56

1 beginning, how long have you known -- well, who is
2 Jerry Newcomb?

3 A: He was Lieut. Jerry Newcomb and now he's
4 Capt. Jerry Newcomb.

5 Q: Were you the decision-maker to make
6 Newcomb a captain?

7 A: Yes.

8 Q: Did you ever serve as Newcomb's
9 supervisor?

10 A: I think I did. I think when I was the
11 commander of Special Operations Division, I think
12 he was in community -- he was in like the motor
13 lieutenant.

14 Q: This is not me being picky. I just
15 want --

16 A: I'm just trying to remember these --

17 Q: No, no, no.

18 A: Yeah, assignments, yeah.

19 Q: That's fine. I just want to be clear.
20 You said Special Operations Division.

21 A: Right. ?

22 Q: Is that the same as the Special